

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:)	Case No: 09-13100
)	
Terry & Renee Weese)	Chapter 7
)	
Debtors)	JUDGE PAT E. MORGENSTERN-CLARREN

**NOTICE OF UNITED STATES TRUSTEE'S STATEMENT
PURSUANT TO 11 U.S.C. § 704(b)(2)**

PLEASE TAKE NOTICE that Daniel M. McDermott, the United States trustee for Region 9, files this Statement based on 11 U.S.C. § 704(b)(2) as follows:

1. This case was commenced by the filing of a voluntary petition under chapter 13 of title 11 only April 13, 2009. The case was converted to a chapter 7 on August 10, 2009. The Debtors are individuals with primarily consumer debt.

2. The United States trustee filed a statement pursuant to 11 U.S.C. § 704(b)(1) indicating this case is presumed to be an abuse under § 707(b) of the Bankruptcy Code on September 11, 2009.

3. 11 U.S.C. § 704(b)(2) provides:

The United States trustee (or bankruptcy administrator, if any) shall, not later than 30 days after the date of filing a statement under paragraph (1), either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States trustee (or the bankruptcy administrator, if any) does not consider such a motion to be appropriate, if the United States trustee (or the bankruptcy administrator, if any) determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than [the applicable median family income amount].

4. The presumption of abuse arose in this case because, after making adjustments to the Debtors' total deductions on the means test by disallowing secured debt payments claimed on line 42 of the means test for property that is being surrendered, the Debtors' monthly disposable income

exceeds the threshold and the presumption of abuse arises.

5. Notwithstanding the presumption of abuse, the United States trustee will not file a motion to dismiss this case under section 707(b)(2) because Judge Pat E. Morgenstern-Clarren has ruled that debtors may take a deduction on the means test for secured debt payments on property that is being surrendered.

WHEREFORE, for the foregoing reasons, the United States trustee does not consider a motion to dismiss under 11 U.S.C. § 707(b)(2) to be appropriate in this case.

Respectfully Submitted:

DANIEL M. MCDERMOTT
United States Trustee
Region 9 (Ohio/Michigan)

by: /s/ Derrick V. Rippy
Derrick V. Rippy(0044069)
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CERTIFICATE OF SERVICE

I certify I served a copy of the foregoing **NOTICE OF UNITED STATES TRUSTEE'S STATEMENT PURSUANT TO 11 U.S.C. § 704(b)(2)** on the following parties on this 14th day of September, 2009:

Terry & Renee Weese
10302 Hobart Road
Kirtland, OH 44094

Paul J Silver
2000 Lee Rd. #23
Cleveland Heights, OH 44118

/s/Derrick V. Rippy
Derrick V. Rippy